

7762. Misbranding of Dermacilia Eye Remedy and Dermacilia Ointment.
U. S. * * * v. Dermacilia Mfg. Co., a Corporation. Plea of guilty.
Fine, \$100 and costs. (F. & D. No. 9587. I. S. Nos. 10578-p, 10579-p.)

On May 1, 1920, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for said district an indictment against the Dermacilia Mfg. Co., a corporation, doing business at Hammond, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on October 12, 1917, from the State of Indiana into the State of Illinois, of a quantity of articles, labeled in part "Dermacilia Eye Remedy" and "Dermacilia Ointment," which were misbranded.

Analysis of a sample of the eye remedy by the Bureau of Chemistry of this department showed that it was a yellow, aqueous solution, containing chiefly boric acid, traces of sulphates of aluminum and zinc, perfumed with oil of rose, with indications of hydrastis.

Misbranding of this article was charged in substance in the indictment for the reason that certain statements, appearing on the label of the carton inclosing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for sore eyes of all forms, red eyes and lids, granulations, discharging eyes, scaly eyes, ulcers on eyes, inflamed eyes, and sore eyes in children, to make weak eyes strong, restore eyelashes, relieve eye pain, and remove floating spots, and as an eye food and tonic, when, in truth and in fact, it was not. Misbranding was charged in substance for the further reason that certain statements, included in the circular which accompanied the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for inflamed eyes, red, inflamed eyelids, granulations, discharges, watery eyes, cobwebs or film over the eyes, roughness under upper and lower lids, inflammation of the eye and contiguous membranes, to tone and strengthen the eyes, and to destroy all disease germs which come in contact with the eyes, when, in truth and in fact, it was not so effective.

Analysis of a sample of the ointment showed it to consist essentially of sulphur, boric acid, and tannic acid, with a petrolatum base.

Misbranding of this article was charged in substance in the indictment for the reason that certain statements regarding the therapeutic or curative effects thereof, appearing on the label of the box containing the article, falsely and fraudulently represented it to be effective as a cure for all skin and scalp affections, when, in truth and in fact, it was not. Misbranding was charged in substance for the further reason that certain statements, regarding the therapeutic or curative effects of the article, included in the circular which accompanied it, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for all kinds of eczema, blotchy face, burns, scalds, itching, dog bites, rusty nail punctures, sore feet, dandruff, falling hair, itching piles, sore nipples, and to prevent lockjaw and blood poison, and to kill the many kinds of disease germs that infect the skin, when, in truth and in fact, it was not so effective.

On May 17, 1920, a plea of guilty to the indictment was entered on behalf of the defendant corporation, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*